

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Richard E. Shockley, Jr.  
Plaintiff,

v.

LT. McCarty, SGT. Creasy,  
SGT. Vangorder, Officer Calhoun,  
et, al. Defendants,

Civil action no. 06-126-JJF

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2006 SEP -7 PM 2:14

FILED  
IN U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Motion For Appointment Of Counsel

COMES NOW, the plaintiff, Richard E. Shockley, Jr., Pro-Se, and moves this Honorable Court for Appointment of Counsel to represent plaintiff.

In support of this motion plaintiff states that the following is true and correct, to the best of his knowledge and belief:

1. The plaintiff is incarcerated.
2. The plaintiff is unskilled in the law.
3. On May 30, 2006 the District Court issued a order which stated upon the courts reviewing the complaint

3. the court identified what appears to be cognizable claims against the Defendants, LT. McCarty, SGT. CREASY, SGT. Vangorder, and Officer Calhoun, which should be given serious consideration when deciding to appoint counsel, See: Lane, 801 F.2d 1040.
4. The plaintiff is housed in the prison infirmary due to a broken leg. The administration at the Delaware Correctional Center where the plaintiff is held, forbids the plaintiff from having access to the general population due to the plaintiff's housing location and the fact that the plaintiff has a cast.  
As a result of the plaintiff being forbidden access to the general population, the plaintiff is also forbidden from having access to the prison's law library and can only obtain legal materials by written request which hampers the plaintiff due to this taking several days, See: Rayes V. Johnson, 969 F.2d 700, 703.
5. The plaintiff is forbidden from having contact with the Defendants per prison policy, See: Exhibit-A, which will prevent the plaintiff from investigating the facts and presenting his claim due to the existence of conflicting testimony, Johnson V. Williams, 788 F.2d 1319, 1322, 1323.

6. The plaintiff will need to obtain a statement from Inmate Kenneth Reeder who is housed in a separate area of the prison, and prison rules prohibit inmate to inmate contact by mail or through a second party.
7. Plaintiff will need access to prison records and files through discovery, which the plaintiff has no knowledge of, or what he has access to.
8. Appointment Of Counsel would serve "the best interests of justice" in the case.
9. On May 30, 2006 the court granted permission to re-file for appointment of counsel after service.

Wherefore, the plaintiff prays this Honorable Court will appoint counsel to represent the plaintiff.

Date: September 5, 2006

Richard E. Shockley, Jr.  
Plaintiff

1/M Richard E. Shockley, Jr.

SBI# 166770 UNIT INFIRMARY

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

#1



DISTRICT Court

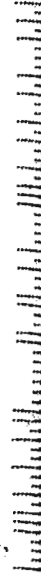
LockBox 18

844 King Street

Wilmington, DE.

19801

0012





Disciplinary#  
023551DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone No. 302-653-9261

Date: 03/08/2006

**DISCIPLINARY REPORT**

Disciplinary Type: <u>Class1</u>		Housing Unit <u>Bldg W1</u>		IR#: <u>1030432</u>	
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00166400	Shockley, Richard E J	DCC	Bldg.12 Search Area	02/28/2006	07:30

Violations: 2.06/200.108 Failing to Obey an Order, 2.13/200.111 Possession of Non-Dangerous ContrabandWitnesses: 1. N/A 2. N/A 3. N/A**Description of Alleged Violation(s)**

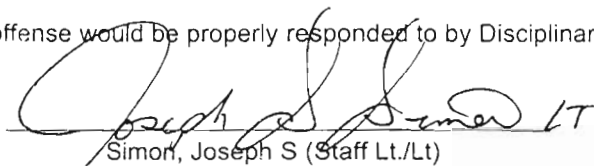
On 2/28/2006 At Aprox 0730 Hours , I C/O Phylis Calhoun Was Checking In For Work And Looked In The Mail Folder At Which Time I Pulled Out A Large White Envelope With My Name On It. The Envelope And Mail Inside Was From Schockley, Richard # 00166400 And One Paper From Roth, Richard Sr #223459. Inmates Are Not Allowed To Send Mail Through The Mail Room For Officers. The Paperwork Says I Am Being Sued Along With Several Other Employees. Included In The Paperwork Are Copys Of Sop Number 8.9 Pages 1 Through 6 .

Reporting Officer: Calhoun, Phylis G (Correctional Officer)**Immediate Action Taken**Immediate action taken by: Calhoun, Phylis G -Correctional Officer

Mab

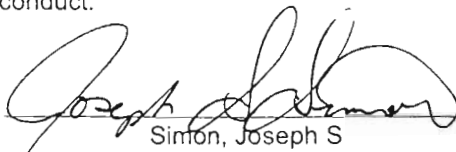
**Offender Disposition Details**Disposition: N/A Date: N/A Time: N/A Cell secured? NoReason: N/ADisposition Of Evidence: N/A**Approval Information**Approved: ☒ Disapproved: ☐ Approved By: Simon, Joseph S (Staff Lt./Lt)Comments: N/A**Shift Supervisor Details**Date Received: 03/08/2006 Time: 13:28 Received From: Simon, Joseph S**Shift Supervisor Determination:**

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for \_\_\_\_\_ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.



Simon, Joseph S (Staff Lt./Lt)

I have received a copy of this notice on DATE: 3-8-06 TIME: 1345 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing  
Officer:


Simon, Joseph S

Offender:

Shockley, Richard E J

EXH-A